

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DAVID AQUINO,

Plaintiff,

-against-

9:04-CV-87
(LEK/DRH)

ROY GIRDICH, Superintendent of Upstate
Correctional Facility; LESTER WRIGHT,
M.D.; ANTHONY BOUCAUD, Deputy
Superintendent of Administration;
EVELYN L. WEISSMAN, M.D.; DR.
CRAIG W. RICHARDS; LOUISE
TICHENOR, Physician Assistant; AMY
TOUSIGNANT, N.A.; R.N. N. SMITH,
N.A.; DEANA L. BUFFHAM, R.N.; JOHN
DOE, Employees of Upstate Correctional
Facility; THOMAS G. EAGEN, Director,
Inmate Grievance Program; JOHN DOE 1-
20, Employees of Dept. of Correctional
Services; STATE OF NEW YORK; and
GLEN S. GOORD,

Defendants.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on September 19, 2006, by the Honorable David R. Homer, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York. Report-Rec. (Dkt. No. 75).

Within ten days, excluding weekends and holidays, after a party has been served with a copy of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," FED. R. CIV. P. 72(b), in compliance with L.R. 72.1. In the interval of at least fifteen days since the Magistrate Judge filed the subject

Report-Recommendation, no objections to it have been raised. Furthermore, after examining the record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

Accordingly, it is hereby

ORDERED, that the Report-Recommendation (Dkt. No. 75) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

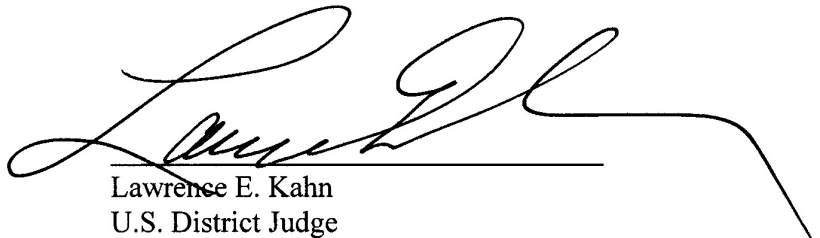
ORDERED, that Defendants' Motion for summary judgment (Dkt No. 66) is **GRANTED**; and it is further

ORDERED, that the complaint is **DISMISSED WITHOUT PREJUDICE** as to Defendant State of New York and all John Doe Defendants; and it is further

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: January 23, 2007
Albany, New York



Lawrence E. Kahn
U.S. District Judge